

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 29571 of 2015 (S)

PETITIONER :

**A. DAVOOD, AGED 52 YEARS,
S/O.ABU SHAIMAN, A.S.VILLA, ERAKKAM
CHILAKOOR, VARKALA P.O., THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.M.R.RAJESH
SMT.E.S.SANDHYA**

RESPONDENTS :

- 1. THE VARKALA MUNICIPAL COUNCIL
REPRESENTED BY CHAIRMAN, VARKALA MUNICIPALITY
VARKALA THIRUVANANTHAPURAM PIN - 695 141.**
- 2. VARKALA MUNICIPALITY
REPRESENTED BY SECRETARY, VARKALA P.O.,
THIRUVANANTHAPURAM PIN 695 141.**
- 3. SECRETARY, VARKALA MUNICIPALITY
VARKALA P.O., THIRUVANANTHAPURAM PIN 695 141.**
- 4. MUNICIPAL ENGINEER
VARKALA MUNICIPALITY, VARKALA P.O.,
THIRUVANANTHAPURAM PIN 695 141.**
- 5. SRI.ASHOKAN, CHAIRMAN, VARKALA MUNICIPALITY,
VARKALA, THIRUVANANTHAPURAM PIN 695 141.**
- 6. SANALKUMAR
"ANANDA BHAVAN", NJEKKAD, VADASSERIKONAM PO
VARKALA, THIRUVANANTHAPURAM PIN 695 143.**
- 7. SARJAN.B
"SAGARI", VADASSERIKONAM PO, NJEKKAD
THIRUVANANTHAPURAM PIN 695 143.**
- 8. G.THRIDEEP
"THRIPTHI", PALAYAMKUNNU P.O., VARKALA
THIRUVANANTHAPURAM PIN 695 146.**

R1 TO R4 BY SRI.J.S.AJITH KUMAR,SC,VARKALA MUNICI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 29571 of 2015 (S)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:- A TRUE COPY OF THE NOTICE DATED 4.8.2015 ISSUED BY THE 5TH
RESPONDENT REGARDING THE COUNCIL MEETING TO BE HELD ON 5.8.2015.
WITH ENGLISH TRANSLATION.**

**P2:- A TRUE COPY OF THE MINUTES OF THE VARKALA MUNICIPAL COUNCIL
MEETING HELD ON 5.8.2015**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

**ASHOK BHUSHAN, C.J. &
A.M.SHAFFIQUE, J.**

W.P.(C)No.29571 of 2015

Dated this the 29th day of October, 2015.

J U D G M E N T

SHAFFIQUE, J.

This writ petition is filed seeking the following reliefs :

"i) Issue a Writ in the nature of certiorari or other appropriate writ direction or order calling for the records leading to the decision No.2 (No.PW1-12947/14) in Ext.P2 minutes of the Varkala Municipal Council dated 05.08.2015 to remove the respondents 6 to 8 from the Black List, and quashing the same.

ii) Issue such other appropriate writ, direction or order as the case may be."

The petitioner, who claims to be a former Municipal Councillor of the 2nd respondent Municipality, has submitted that he has been disqualified in a proceeding under the Kerala Local Authorities (Prohibition of Defection) Act, 1999. He challenges the resolution passed by the Municipality by which the Black Listing of respondent nos.6 to 8 were withdrawn by the present Municipal Council. The petitioner submits that the said decision of the Council is against the statutory provisions, especially, Rule 13 of Meeting Rules.

This writ petition was first considered by the learned Single Judge and since it was felt that some public interest is involved in the matter, the writ petition is being placed before us. Prima facie, we do not find any public interest in the writ petition which calls for interference of this Court in the decision taken by the Council. Further, the petitioner has no locus standi to challenge the decision of the Council. However, there is enough procedure provided under the Kerala Municipality Act and Rules to challenge the resolution or decision passed by the Municipality. There is no reason why this Court should interfere with the decision taken by the Local Self Government Institution.

Under such circumstances, we do not find any merit in this petition and accordingly the same is dismissed.

Sd/-
ASHOK BHUSHAN,
CHIEF JUSTICE.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge